

EXHIBIT E

Michael Lockhart

October 5, 2023

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

ALAMEDA COUNTY MALE PRISONERS
and former prisoners, Daniel
Gonzalez, et al. on behalf of
themselves and others similarly
situated, as a Class, and Subclass,

Plaintiffs,

vs.

****CERTIFIED COPY****

No. 3:19-cv-07423-JSC

ALAMEDA COUNTY SHERIFF'S OFFICE,
et al.,

Defendants.

_____/

Zoom Videoconference
STATEMENT OF NON-APPEARANCE OF
MICHAEL LOCKHART

Thursday, October 5, 2023

---oOo---

Reported By: STACY L. LOZANO, CSR No. 12831

Michael Lockhart

October 5, 2023

A P P E A R A N C E S

(All Appearances via Zoom Videoconference)

For the Defendant: WELL-PATH MANAGEMENT, INC.

BERTLING LAW GROUP, INC.

BY: JEMMA PARKER SAUNDERS, ESQ.

21 East Canon Perdido Street, Suite 204B

Santa Barbara, California 93101

Phone: (805) 879-7558

Email: Jemma@bertlinglawgroup.com

For the Defendant: ARAMARK CORRECTIONAL SERVICES, LLC

MORGAN, LEWIS & BOCKIUS, LLP

BY: CHARLES J. REITMEYER, ESQ.

1701 Market Street

Philadelphia, Pennsylvania 19013

Phone: (215) 963-5000

Email: charles.reitmeyer@morganlewis.com

Michael Lockhart

October 5, 2023

A P P E A R A N C E S

(All Appearances via Zoom Videoconference)

For the Defendants: COUNTY OF ALAMEDA, ALAMEDA COUNTY
SHERIFF'S OFFICE, DEPUTY JOE AND DEPUTY IGNONT

BURKE, WILLIAMS & SORENSEN, LLP

BY: TEMITAYO O. PETERS, ESQ.

1999 Harrison Street, Suite 1650

Oakland, California 94612

Phone: (510) 273-8780

Email: tpeters@bwslaw.com

Michael Lockhart
October 5, 2023

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E X H I B I T S

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Michael Lockhart

October 5, 2023

1 STATEMENT OF NON-APPEARANCE OF MICHAEL LOCKHART

2 BE IT REMEMBERED that pursuant to Notice, and on
3 Thursday, October 5, 2023, commencing at the hour of
4 9:07 a.m. thereof, via Zoom Videoconference, before me,
5 STACY L. LOZANO, CSR No. 12831, a Certified Shorthand
6 Reporter, in and for the State of California, reported the
7 following Statement of Non-Appearance:

8
9 STATEMENT BY JEMMA P. SAUNDERS

10 BY MS. SAUNDERS: Good morning. I'm Jemma
11 Saunders. I'm here with co-counsel from Aramark, and
12 Alameda County, appearing for the noticed and
13 court-ordered deposition of Michael Lockhart, Plaintiff.

14 It is now 9:08. Plaintiff's counsel nor
15 plaintiff have appeared yet. We had indications
16 previously that Mr. Lockhart did not want to appear, yet
17 was unwilling to enter into a stipulation for dismissal
18 with prejudice.

19 So at this time, we'd like to make a record of
20 Mr. Lockhart's non-appearance at this court-ordered
21 deposition. And I'm going to attach a couple of exhibits.
22 Hopefully, there won't be any objections to that.

23 And before I do that, Mr. Reitmeyer or
24 Ms. Peters, did you want to make any statements?

25 MS. PETERS: No, thank you.

Michael Lockhart

October 5, 2023

1 MS. SAUNDERS: So the first exhibit I'd like to
2 attach is the Amended Notice of Taking Deposition for
3 October 5th, and the certificate of service accompanying
4 it, which was served on September 25th. So that would be
5 the first exhibit.

6 The second exhibit is an email from Ms. Huang,
7 dated October 3rd, confirming with Michael Lockhart that
8 he does not want to appear at his deposition, and he will
9 dismiss his claims without prejudice.

10 The third exhibit is the October 4, 3:14 p.m.
11 email from my office, with the Zoom link for this
12 deposition sent by Stephanie Aguiniga.

13 The fourth exhibit is an email from October 4th,
14 2023, at 5:19, from Peter Bertling, noting to all counsel
15 that the deposition for today will go forward tomorrow,
16 i.e. right now.

17 And then the fifth exhibit is what has been --
18 let's see, Document 320 on the court's docket for this
19 case, filed 9/25/23, ordering that plaintiff Lockhart
20 should appear -- must appear for deposition on
21 October 5th. And given Mr. Lockhart's prior refusal if he
22 fails to appear for the October 5th deposition, his claims
23 will be dismissed for failure to prosecute cited to FRCP
24 Rule 37. And this was signed by Judge Crowley.

25 And I believe -- yep, that's all of them. So,

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Michael Lockhart

October 5, 2023

1 with that, I think we can go off the record. And unless
2 Ms. Peters or Mr. Reitmeyer might have any other
3 additional comments.

4 (DEFENDANT'S EXHIBITS 1-5 MARKED FOR IDENTIFICATION)

5 MR. REITMEYER: Just one statement.

6 My name is Charles Reitmeyer from Morgan, Lewis &
7 Bockius. I represent Aramark in this matter.

8 If it turns out that plaintiff is unwilling to
9 enter into a stipulation for dismissal, and we are forced
10 to move to dismiss this claim of Mr. Lockhart, Aramark
11 does not waive, and in fact, reserves the right to seek
12 all costs associated with this deposition and the
13 preparation therefore.

14 Thank you.

15 MS. SAUNDERS: On behalf of Well-Path, I'll join
16 that as well.

17 MS. PETERS: Likewise, on behalf of the County.

18 THE COURT REPORTER: Okay.

19 And Ms. Peters, do you want a copy of this?

20 MS. PETERS: No, thank you.

21 THE COURT REPORTER: Okay. Mr. Reitmeyer?

22 MR. REITMEYER: No, thank you.

23 THE COURT REPORTER: Okay.

24 MS. SAUNDERS: I will take a copy. Electronic is
25 fine.

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Michael Lockhart
October 5, 2023

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THE COURT REPORTER: Okay. Thank you, everyone.
(Conclusion of proceedings at 9:12 a.m.)

---oOo---

Michael Lockhart

October 5, 2023

CERTIFICATE OF REPORTER

I, STACY L. LOZANO, hereby certify the following:

That said Statement of Non-Appearence was taken in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true, and correct report of said statement and of the proceedings which took place;

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of October, 2023.

STACY L. LOZANO, CSR No. 12831

---oOo---

Michael Lockhart
10/5/23**Exhibit 1**

Stacy L. Lozano, #12831

Peter G. Bertling (SBN 131602)
 Jemma Parker Saunders (SBN 227962)
 Bertling Law Group
 21 East Canon Perdido Street, Suite 204B
 Santa Barbara, CA 93101
 Telephone: 805-879-7558
 Facsimile: 805-869-1597
peter@bertlinglawgroup.com
jemma@bertlinglawgroup.com
 Attorneys for Defendant
 WELLPATH MANAGEMENT, INC.

**UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**ALAMEDA COUNTY MALE
 PRISONERS, et al.**

Plaintiffs,

v.

**ALAMEDA COUNTY SHERIFF'S
 OFFICE, et al.,**

Defendants.

Case No.: 3:19-cv-07423-JSC

**DEFENDANT WELLPATH'S
 AMENDED NOTICE OF
 TAKING DEPOSITION OF
 MICHAEL LOCKHART**

Date: **OCTOBER 5, 2023**

Time: **9:00 A.M. PST**

Location:

**Law Offices of
 Yolanda Huang
 2748 Adeline Street
 Suite A
 Berkeley, CA 94703**

TO PLAINTIFFS AND THEIR COUNSEL OF RECORD HEREIN:

PLEASE TAKE NOTICE that Defendant WELLPATH, will take the deposition of **MICHAEL LOCKHART** on **THURSDAY, OCTOBER 5, 2023, at 9:00 A.M. PST.,** Law Offices of Yolanda Huang, 2748 Adeline Street, Suite A, Berkeley, CA 94703.

PLEASE TAKE FURTHER NOTICE that the deposing party intends to cause the proceedings to be recorded both stenographically, before a certified court reporter, and by videotape. The deposing party specifically reserves the right to use the videotape of the

1 deposition at the time of trial. Said deposition will be taken before a duly qualified
2 certified court reporter, pursuant to the provisions of Federal Rules of Civil Procedure,
3 Rule 30, and will continue until completed, or until the end of seven hours of recorded
4 testimony, pursuant to Federal Rule of Civil Procedure 30(d)(1).

5 Respectfully submitted,

6 DATED: September 25, 2023

BERTLING LAW GROUP

7 /s/ Peter G. Bertling

8 Peter G. Bertling

9 Jemma Parker Saunders

10 Attorneys for Defendant

11 WELLPATH
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Peter G. Bertling [SBN 131602]
Jemma Parker Saunders [SBN 227962]
Bertling Law Group
21 East Canon Perdido Street, Suite 204B
Santa Barbara, CA 93101
Telephone: 805-879-7558
Facsimile: 805-962-0722
peter@bertlinglawgroup.com
jemma@bertlinglawgroup.com
Attorneys for Defendants
WELLPATH MANAGEMENT, INC.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ALAMEDA COUNTY MALE PRISONERS
And Former Prisoners, DANIEL GONZALEZ,
et al. on behalf of themselves and others
similarly situated, as a Class, and Subclass;
ALAMEDA COUNTY FEMALE
PRISONERS And Former Prisoners, JACLYN
MOHRBACHER, ERIN ELLIS, DOMINIQUE
JACKSON, CHRISTINA ZEPEDA, ALEXIS
WAH, AND KELSEY ERWIN, et al on behalf
of themselves and other similarly situated,

Plaintiffs,

v.

ALAMEDA COUNTY SHERIFF'S
OFFICE, ALAMEDA COUNTY, Deputy Joe,
Deputy Ignont (sp) Jane ROEs, Nos. 1 – 25;
WELLPATH MANAGEMENT, INC., a
Delaware Corporation (formerly known as
California Forensic Medical Group) a
corporation; its Employees and Sub-
Contractors, and Rick & Ruth ROEs Nos. 26-
50; **ARAMARK CORRECTIONAL**
SERVICES, LLC, a Delaware Limited
Liability Company; its Employees and Sub-
Contractors, and Rick & Ruth ROES Nos.
51-75,

Defendants.

Case No.: 3:19-cv-07423 JSC

CERTIFICATE OF SERVICE

Action Filed: November 12, 2019
Judge: Hon. Jacqueline Scott Corley
Cttrm: E—15th Floor

3:19-cv-07423-JSC

CERTIFICATE OF SERVICE

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 years and not a party to the within action. My business address is 21 E. Canon Perdido Street, Suite 204B, Santa Barbara, California 93101. My e-mail address is stephanie@bertlinglawgroup.com.

On September 25, 2023, I served a true copy of the following document:

- **DEFENDANT WELLPATH'S *AMENDED* NOTICE OF TAKING DEPOSITION OF MICHAEL LOCKHART**

Counsel for Plaintiffs:

Yolanda Huang
LAW OFFICES OF YOLANDA HUANG
2748 Adeline Street, Suite A
Berkeley, CA 94703
Telephone: 510-329-2140
Facsimile: 510-580-9410
yhuang.law@gmail.com
yhuang.lawoffice@protonmail.com

Thomas E. Nanney
LAW OFFICE OF THOMAS E. NANNEY
2217 W. 120th St.
Leawood, KS 66209
Telephone: 816-401-0047
tomnanney@aol.com

Counsel for Defendants ALAMEDA COUNTY SHERIFF'S OFFICE, (ERRONEOUSLY SUED HEREIN AS "ALAMEDA COUNTY"), DEPUTY JOE, AND DEPUTY IGNONT:

Temitayo O. Peters
Gregory B. Thomas
Jasper L. Hall
BURKE, WILLIAMS & SORENSON, LLP
1999 Harrison Street, Suite 1650
Oakland, CA 94612-3520
Telephone: 510-273-8780
Facsimile: 510-839-9104
tpeters@bwslaw.com
gthomas@bwslaw.com
jhall@bwslaw.com
tlee@bwslaw.com
mprakash@bwslaw.com

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///
///

Counsel for Defendants ARAMARK CORRECTIONAL SERVICES LLC:

Charles J. Reitmeyer
Emily S. Kimmelman Wheeling
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Telephone: 215.963.5320
charles.reitmeyer@morganlewis.com
emily.wheeling@morganlewis.com
robert.kirsch@morganlewis.com
mitchell.benson@morganlewis.com
amanda.lashner@morganlewis.com
ronald.hasman@morganlewis.com

Salayha K. Ghoury
LEWIS BRISBOIS BISGAARD & SMITH LLP
333 Bush Street, Suite 1100
San Francisco, CA 94104
Telephone: 415.362.2580
Facsimile: 415.434.0882
salayha.ghoury@lewisbrisbois.com

[X] ELECTRONIC SERVICE

Based on a court order or an agreement of the parties to accept electronic service, I caused the document to be sent to the person(s) at the electronic service address(es) above.

[X] FEDERAL

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **September 25, 2023**, at Santa Barbara, California.



Stephanie S. Aguiniga

Michael Lockhart
10/5/23

Exhibit 2

Stacy L. Lozano, #12831

Subject: Michael Lockhart

Date: Tuesday, October 3, 2023 at 1:23:05 PM Pacific Daylight Time

From: Yolanda Huang

To: Peters, Temitayo O., Reitmeyer, Charles J., Wheeling, Emily Kimmelman, Tom Nanney, Peter Bertling, Stephanie Aguiniga, Thomas, Gregory B., Jemma Parker Saunders, Rick Brody

I have just confirmed with Michael Lockhart that he does not want to appear at his deposition on Oct. 5th and that I have his consent to dismiss his claims, without prejudice. If you prepare the documents, I will sign on his behalf.

--

Yolanda Huang, Esq.

PO Box 5475 • Berkeley • CA • 94705 • Phone: 510-329-2140 • Fax: 510-580-9410

Confidentiality Notice: This electronic mail transmission is privileged and confidential and is intended only for the review of the party to whom it is addressed. If you have received this transmission in error, please immediately return it to the sender. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege.

Subject: Re: ELECTRONIC SERVICE ONLY | Gonzalez v. ACSO, et al | Wellpath Amended Deposition Notices of Michael Lockhart

Date: Wednesday, October 4, 2023 at 3:14:53 PM Pacific Daylight Time

From: Stephanie Aguiniga

To: Yolanda Huang, THOMAS NANNEY, Thomas, Gregory B., Peters, Temitayo O., Hall, Jasper L., Lee, Tawnya, Prakash, Mrinalini V., Reitmeyer, Charles J., Wheeling, Emily Kimmelman, Kirsch, Rob, Benson, Mitch, amanda.lashner@morganlewis.com, Hasman, Ronald D., salayha.ghoury@lewisbrisbois.com, Rick Brody

CC: Jemma Parker Saunders, Peter Bertling, Cyndi Sierra

Attachments: image001.jpg

Please use this link for the deposition of Michael Lockhart on Thu 10/5/23 at 9:00 a.m. PST:

<https://us02web.zoom.us/j/83691636983?pwd=U1VQbmd2MnZLQWIXc2RRWGJsaUJIZz09>

Meeting ID: 836 9163 6983
Passcode: 667042

Best,
Stephanie
Bertling Law Group
www.bertlinglawgroup.com



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From: Stephanie Aguiniga <stephanie@bertlinglawgroup.com>

Date: Monday, September 25, 2023 at 4:12 PM

To: Yolanda Huang <yhuang.law@gmail.com>, Law Office of Yolanda Huang <yhuang.lawoffice@protonmail.com>, THOMAS NANNEY <tomnanney@aol.com>, "Thomas, Gregory B." <GThomas@bwsllaw.com>, "Peters, Temitayo O." <TPeters@bwsllaw.com>, "Hall, Jasper L." <JHall@bwsllaw.com>, "Lee, Tawnya" <TLee@bwsllaw.com>, "Prakash, Mrinalini V." <MPrakash@bwsllaw.com>, "Reitmeyer, Charles J." <charles.reitmeyer@morganlewis.com>, "Wheeling, Emily Kimmelman" <emily.wheeling@morganlewis.com>, "Kirsch, Rob" <robert.kirsch@morganlewis.com>, "Benson, Mitch" <mitchell.benson@morganlewis.com>, "amanda.lashner@morganlewis.com" <amanda.lashner@morganlewis.com>, "Hasman, Ronald D." <ronald.hasman@morganlewis.com>, "salayha.ghoury@lewisbrisbois.com" <salayha.ghoury@lewisbrisbois.com>

Cc: Jemma Parker Saunders <jemma@bertlinglawgroup.com>, Pete Bertling <peter@bertlinglawgroup.com>, Cyndi Sierra <cyndi@bertlinglawgroup.com>

Subject: ELECTRONIC SERVICE ONLY | Gonzalez v. ACSO, et al | Wellpath Amended Deposition Notices of Michael Lockhart

Counsel:

Attached please find Wellpath's amended deposition notice of Michael Lockhart on 10/5/23, 9:00 a.m. PST at Law Offices of Yolanda Huang, 2748 Adeline Street Suite A, Berkeley, CA 94703.

Best,
Stephanie

Stephanie



Stephanie S. Aguiniga | Assistant
21 East Canon Perdido Street, Suite 204B
Santa Barbara, CA 93101
Main: 805-879-7558
Direct: 805-456-2736
Facsimile: 805-869-1597
stephanie@bertlinglawgroup.com
www.bertlinglawgroup.com

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Subject: Re: ELECTRONIC SERVICE ONLY | Gonzalez v. ACSO, et al | Wellpath Amended Deposition Notices of Michael Lockhart

Date: Wednesday, October 4, 2023 at 5:19:39 PM Pacific Daylight Time

From: Peter Bertling

To: Stephanie Aguiniga, Yolanda Huang, THOMAS NANNEY, Thomas, Gregory B., Peters, Temitayo O., Hall, Jasper L., Lee, Tawnya, Prakash, Mrinalini V., Reitmeyer, Charles J., Wheeling, Emily Kimmelman, Kirsch, Rob, Benson, Mitch, amanda.lashner@morganlewis.com, Hasman, Ronald D., salayha.ghoury@lewisbrisbois.com, Rick Brody

CC: Jemma Parker Saunders, Cyndi Sierra

Attachments: image001.jpg

Counsel:

This deposition will go forward tomorrow.

Regards,

Peter G. Bertling
Bertling Law Group
21 East Canon Perdido St., Suite 204B
Santa Barbara, Calif. 93101
(805)-879-7558: Office
(805) 452-8305: Cell



From: Stephanie Aguiniga <stephanie@bertlinglawgroup.com>
Sent: Wednesday, October 4, 2023 3:14:53 PM
To: Yolanda Huang <yhuang.law@gmail.com>; THOMAS NANNEY <tomnanney@aol.com>; Thomas, Gregory B. <GThomas@bwslaw.com>; Peters, Temitayo O. <TPeters@bwslaw.com>; Hall, Jasper L. <JHall@bwslaw.com>; Lee, Tawnya <TLee@bwslaw.com>; Prakash, Mrinalini V. <MPrakash@bwslaw.com>; Reitmeyer, Charles J. <charles.reitmeyer@morganlewis.com>; Wheeling, Emily Kimmelman <emily.wheeling@morganlewis.com>; Kirsch, Rob <robert.kirsch@morganlewis.com>; Benson, Mitch <mitchell.benson@morganlewis.com>; amanda.lashner@morganlewis.com <amanda.lashner@morganlewis.com>; Hasman, Ronald D. <ronald.hasman@morganlewis.com>; salayha.ghoury@lewisbrisbois.com <salayha.ghoury@lewisbrisbois.com>; Rick Brody <rick@brodylaw.com>
Cc: Jemma Parker Saunders <jemma@bertlinglawgroup.com>; Peter Bertling <peter@bertlinglawgroup.com>; Cyndi Sierra <cyndi@bertlinglawgroup.com>
Subject: Re: ELECTRONIC SERVICE ONLY | Gonzalez v. ACSO, et al | Wellpath Amended Deposition Notices of Michael Lockhart

Please use this link for the deposition of Michael Lockhart on Thu 10/5/23 at 9:00 a.m. PST:

<https://us02web.zoom.us/j/83691636983?pwd=U1VQbmd2MnZLQWlXc2RRWGJsaUJlZz09>

Meeting ID: 836 9163 6983
Passcode: 667042

Best,
Stephanie
Bertling Law Group
www.bertlinglawgroup.com

www.bertlinglawgroup.com

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From: Stephanie Aguiniga <stephanie@bertlinglawgroup.com>

Date: Monday, September 25, 2023 at 4:12 PM

To: Yolanda Huang <yhuang.law@gmail.com>, Law Office of Yolanda Huang <yhuang.lawoffice@protonmail.com>, THOMAS NANNEY <tomnanney@aol.com>, "Thomas, Gregory B." <GThomas@bwsllaw.com>, "Peters, Temitayo O." <TPeters@bwsllaw.com>, "Hall, Jasper L." <JHall@bwsllaw.com>, "Lee, Tawnya" <TLee@bwsllaw.com>, "Prakash, Mrinalini V." <MPrakash@bwsllaw.com>, "Reitmeyer, Charles J." <charles.reitmeyer@morganlewis.com>, "Wheeling, Emily Kimmelman" <emily.wheeling@morganlewis.com>, "Kirsch, Rob" <robert.kirsch@morganlewis.com>, "Benson, Mitch" <mitchell.benson@morganlewis.com>, "amanda.lashner@morganlewis.com" <amanda.lashner@morganlewis.com>, "Hasman, Ronald D." <ronald.hasman@morganlewis.com>, "salayha.ghoury@lewisbrisbois.com" <salayha.ghoury@lewisbrisbois.com>

Cc: Jemma Parker Saunders <jemma@bertlinglawgroup.com>, Pete Bertling <peter@bertlinglawgroup.com>, Cyndi Sierra <cyndi@bertlinglawgroup.com>

Subject: ELECTRONIC SERVICE ONLY | Gonzalez v. ACSO, et al | Wellpath Amended Deposition Notices of Michael Lockhart

Counsel:

Attached please find Wellpath's amended deposition notice of Michael Lockhart on 10/5/23, 9:00 a.m. PST at Law Offices of Yolanda Huang, 2748 Adeline Street Suite A, Berkeley, CA 94703.

Best,
Stephanie



Stephanie S. Aguiniga | Assistant
21 East Canon Perdido Street, Suite 204B
Santa Barbara, CA 93101
Main: 805-879-7558
Direct: 805-456-2736
Facsimile: 805-869-1597
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Michael Lockhart
10/5/23**Exhibit 5**

Stacy L. Lozano, #12831

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL GONZALEZ, et al.,

Plaintiffs,

v.

COUNTY OF ALAMEDA, et al.,

Defendants.

Case No. 3:19-cv-07423-JSC

**ORDER TO PLAINTIFF MICHAEL
LOCKHART TO APPEAR FOR
DEPOSITION**

Re: Dkt. No. 317

Plaintiff Michael Lockhart brings individual claims regarding the denial of medical care while he was incarcerated in an Alameda County jail. (Dkt. No. 180 at ¶ 14.3.4.) Following a meet and confer, Defendants noticed Mr. Lockhart's deposition for the mutually agreed upon date of August 25, 2023. (Dkt. No. 317 at 1.) On August 21, 2023, Plaintiffs' counsel advised Defendants Mr. Lockhart would not be appearing for his deposition and "he will not be rescheduling his deposition." (*Id.* at 11-12.) Plaintiffs' counsel thereafter declined to join in a stipulation to dismiss Mr. Lockhart's claims. (*Id.* at 7-10.) Plaintiffs also declined to join in Defendants' now pending discovery letter brief seeking a court order compelling Mr. Lockhart to appear for deposition. (*Id.* at 45.)

Plaintiff Michael Lockhart is ORDERED to appear for deposition on October 5, 2023 at a location and time to be identified by Defendants. Given Mr. Lockhart's prior refusals to appear for deposition, if he fails to appear for the October 5 deposition, his claims will be dismissed for failure to prosecute. See Fed. R. Civ. Pro. 37(b)(2)(A)(v).

Defendants shall provide Plaintiffs' counsel the location and time of the October 5, 2023

deposition by 5:00 p.m., September 25, 2023, and Plaintiffs' counsel shall serve Mr. Lockhart with a copy of this Order and the information regarding the time and place of the deposition. Plaintiffs' counsel shall file proof of service by noon, September 26, 2023.

This Order disposes of Docket No. 317.

IT IS SO ORDERED.

Dated: September 25, 2023


JACQUELINE SCOTT CORLEY
United States District Judge

Michael Lockhart

October 5, 2023

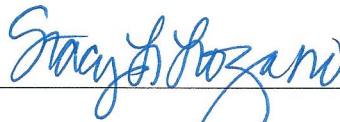
CERTIFICATE OF REPORTER

I, STACY L. LOZANO, hereby certify the following:

That said Statement of Non-Appearence was taken in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true, and correct report of said statement and of the proceedings which took place;

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of October, 2023.



STACY L. LOZANO, CSR No. 12831

---oOo---